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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,928

10/16/2003

Leslie J. Mack

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/686,928

Applicant(s)

MACK, LESLIE J.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3-5, 8, 10, 12-14, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fitzgerald (US 6,434,533 B1).**
3. As per **independent Claims 1, 10, 18**, Fitzgerald discloses A method (system) for providing hotel information (abstract) comprising the steps of, in combination: receiving occupancy/availability and rate information from a plurality of hotels; and preparing and providing a report to the plurality of hotels including current daily rate and occupancy/availability information of other hotels (Fig.8, C1-C2).
4. As per Claims 3 and 12, Fitzgerald discloses the step of preparing and providing a unique report to each of a plurality of hotels (C1-C2).
5. As per Claims 4 and 13, Fitzgerald discloses the step of preparing the report to include current daily rate and availability information for a list of competing hotels (Fig.8, C1-C2).
6. As per Claims 5 and 14, Fitzgerald discloses the step of preparing the report to include unique notes for each of the plurality of hotels (Fig.8-10, C1-C2).

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7. As per Claims 8 and 17, Fitzgerald discloses the step of preparing the report to include occupancy percentage and average daily rate information for a predetermined area (Fig.8, C1-C2).
8. As per Claim 20, Fitzgerald discloses the step of providing the unique reports to the plurality of hotels over a computer network (C1-C2).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. **Claims 2, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald.**
11. As per Claims 2, 11, and 19, Fitzgerald fails to expressly disclose the step of faxing the report to the plurality of hotels.
12. However, Fitzgerald does disclose sending a report to customers over a networked system, and receiving data from customers by fax (C5 L12-13), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a variety of communication formats to transmit the reports to customers in order to increase usability of the system (See KSR [127 S Ct. at 1739] “The combination of familiar

elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

**13. Claims 6, 7, 9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald in view of Official Notice.**

14. As per Claims 6, 7, 9, 15, and 16, Fitzgerald fails to expressly disclose the step of preparing the report to include various information advertisements.

15. However, Official notice is given that advertising was a well-known form of revenue for printed information providers (newspapers, magazines, etc.) at the time the invention was made, and it would have been obvious to one of ordinary skill at the time the invention was made to increase business revenue by adding additional information/advertising to provided reports.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

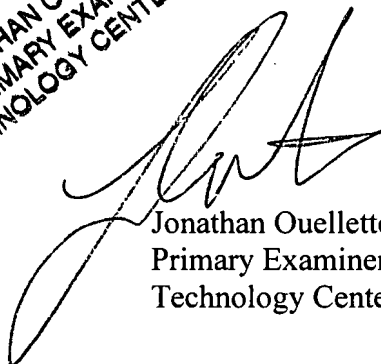
17. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

jo  
October 28, 2007

JONATHAN OUELLETTE  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600



Jonathan Ouellette  
Primary Examiner  
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